

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

FIFTH THIRD BANK, N.A.

Case No. 1:24-cv-00236

Plaintiff,  
v.

ANSWER

LOW VOLTAGE SERVICE, INC. et al.,

Defendants.

**FIRST DEFENSE**

For their answer to the complaint, defendants Low Voltage Service, Inc., and Eva Schallhorn state as follows:

1. Defendants admit having executed the loan agreement and guaranty, and admit the fact of default, but state that the loan documents speak for themselves.
2. Defendants deny that venue is proper, and deny the amount claimed to be due and request an accounting of the same.
3. Further answering, Defendants state that borrower Low Voltage is defunct, owing to the hospitalization of its manager for approximately three months in the summer and fall of 2023, and that Low Voltage has no assets or revenue from which to repay the loan.
4. Defendants further state that guarantor Eva Schallhorn has no assets from which to repay the loan, and has only exempt Social Security income.

5. Defendants further state that they have made multiple attempts to contact Fifth Third in an attempt to resolve the dispute, without response from Fifth Third.

#### **ADDITIONAL DEFENSES**

6. The complaint fails to state a claim upon which relief can be granted.
7. The proper venue for this matter is the Northern District of Illinois.
8. The loan is subject to forgiveness, release, or repayment by or through the Small Business Administration.
9. The claims are barred by failure of consideration, want of consideration for negotiable instrument, duress, or equitable estoppel.
10. Defendants give notice of their intent to rely upon such other defenses as may become apparent or available during the course of this proceeding.

Respectfully submitted,

/s/ Jeffrey M. Nye  
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**Counsel for defendants Low Voltage Service,  
Inc. and Eva Schallhorn**

**CERTIFICATE OF SERVICE**

I certify that a copy of this filing was served on counsel for the plaintiff via cm/ecf on the date of filing.

/s/ Jeffrey M. Nye  
Jeffrey M. Nye